

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RUTH ANN BARRON,)
Plaintiff,)
v.) No. 3:04-CV-616
DAVID BURL MIZE, et al.,) (Phillips)
Defendants.)

ORDER

This matter is before the court on defendants' objection to plaintiff's proposed jury instruction No. 1 [Doc. 21]. Defendants' objection is well-taken. The court finds that plaintiff's proposed instruction is not in accord with established Tennessee law. Accordingly, defendants' objection will be **SUSTAINED**. The court finds Tennessee Pattern Jury Instruction No. 14.14 "Aggravation of Pre-existing Condition" applicable to this case. T.P.I. § 14.14 has been approved by the appellate courts in Tennessee as a correct statement of Tennessee law on this issue. See *Haws v. Bullock*, 592 S.W.2d 588 (Tenn.App. 1979).

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge